

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
Monday, September 21, 2009

The Yadkin County Board of Commissioners met in Regular Session on Monday, September 21, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

Present were:

Chairman Chad Wagoner
Vice Chairman Kevin Austin
Commissioner David Moxley
Commissioner Brady Wooten

Commissioner Tommy Garner
(arrived at 7:13pm)

Staff present: County Attorney, James Graham; Administrative Clerk, Colleen Rumplash; and County Manager, Stan Kiser.

CALL TO ORDER by Chairman Wagoner at 7:00pm.

INVOCATION led by James Graham.

PLEDGE OF ALLEGIANCE led by Molly Haynes. Miss Haynes is a 6th grade student at Jonesville Elementary School. Miss Haynes reported that social studies is her favorite subject. Miss Haynes was accompanied by her father, Gary; her mother, Wendy; and the Jonesville Elementary Principal, Junior Luffman. Chairman Wagoner thanked Miss Haynes for her attendance and for leading the pledge.

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Commissioner Wooten requested a closed session at the end of the meeting.

**Commissioner Wooten made a motion to approve the agenda as presented.
Vice Chairman Austin second.
Vote: 4/0**

PUBLIC COMMENTS

Public Comments portion of the meeting opened at 7:05pm. There were no speakers under this heading. Public Comments portion of the meeting closed at 7:05pm.

APPROVAL OF MINUTES

Vice Chairman Austin noted that the Unifi plant referenced on page 4 should be T3 rather than T5.

**Vice Chairman Austin made a motion to approve the September 9, 2009 Regular Meeting Minutes and the September 9, 2009 Closed Session Minutes with noted adjustment. Commissioner Wooten second.
Vote: 4/0**

PUBLIC HEARING

(1) **Christopher Ong, Director of Planning and Development**, appeared before the Board. Mr. Ong requested a public hearing be set for October 19, 2009 for the potential rezoning of 1,251.25 acres of parcel number #4859915 from RA to RR-CD.

**Commissioner Wooten made a motion to set a public hearing for the potential rezoning of parcel # 4859915 for Monday, October 19, 2009. Vice Chairman Austin second.
Vote: 4/0**

(2) Mr. Ong requested a public hearing be set for October 19, 2009 for the potential rezoning of 120.22 acres of parcel number #485800876733 from RA to RR-CD.

Commissioner Wooten made a motion to set a public hearing for the potential rezoning of parcel # 485800876733 for Monday, October 19, 2009. Commissioner Moxley second.

Vote: 4/0

(3) **Brent Hunter, Chairman of the Voluntary Agricultural District Board**, appeared before the Board to discuss the proposed text amendment to the Farm Preservation Ordinance. Mr. Hunter reported that the text amendment simply states that the official farm preservation map shall be maintained by the County GIS department, will bear the adoption date, and will be available in PDF format on the County website.

Chairman Wagoner opened the public hearing for the text amendment to the Farm Preservation Ordinance at 7:12pm. There were no speakers on this subject. The public hearing closed at 7:12pm.

Commissioner Wooten made a motion to approve the text amendment to the Farm Preservation Ordinance as presented. Commissioner Moxley second.

Commissioner Wooten asked Mr. Hunter to clarify that this amendment only establishes the procedures that the public would use to access the ordinance and does not reflect a change to the actual ordinance. Mr. Hunter reiterated that the text amendment simply informs the public on how to locate and view the official map. Vice Chairman Austin remarked that considering the lengthy discussions around this issue, the website availability is a pro-active step toward informing the public. In conclusion, Mr. Hunter announced that 2,758.46 acres have been included in the Voluntary Agricultural District as of August 3, 2009. The majority of these acres have been added since the kick-off rally in March. Mr. Hunter states that the application process does take some effort and anticipates that the acreage will continue to grow.

Vote: 5/0

BOARD APPOINTMENTS

Chairman Wagoner stated that Commissioner Wooten, Commissioner Moxley, and Sheriff Cain currently represent 3 of the 5 jail committee members with Major Widener as an alternate for the Sheriff. Commissioner Wooten had contacted community contracting agents for interest in the remaining 2 seats. Commissioner Wooten announced that Gray Garrison of Garrison Realty and Bodie Wingler of CW Electric had both been contacted and were willing to serve in this capacity. Both Mr. Garrison and Mr. Wingler believe they can work toward an acceptable resolution to the jail issue.

Commissioner Wooten made a motion to appoint Gray Garrison and Bodie Wingler as representatives 4 and 5 to the newly formed jail committee. Vice Chairman Austin second.

Vote: 5/0

BOARD REPORTS/REQUESTS

(1) Randy Darden of JJ&G appeared before the Board. First, Mr. Darden thanked County Manager Kiser for his service. Mr. Darden stated that Mr. Kiser had been very professional and he appreciated the opportunity to have worked with Mr. Kiser. Mr. Darden wished Mr. Kiser good luck.

Mr. Darden presented various utility updates as follows:

* ECS had been contracted to remove contaminated soil at the EMS station. The original proposal was \$18,400. The soil contamination was more extensive than anticipated and ECS was not able to reach a clean clay base. The site has been excavated, covered, and seeded. All required reports will be sent to NCDENR. NCDENR will determine what further actions are to be taken. Monitoring wells may be suggested. As there is public water in this area, there should be no NCDENR concerns in that regard. A budget amendment for just over \$21,000 will be required for the additional excavation work. Final expenses cannot be estimated until NCDENR reports have been received. Since the project has exceeded the \$20,000 expense, reimbursement is available. Though reimbursement could take up to 9 months, ECS will complete that process with JJ&G as a monitor.

- * A sink hole has developed in front of the EMS facility. Perry Williams, Public Works Director for the Town of Yadkinville, had the hole filled with dirt and sand. Recent rain events washed away the materials. Upon further examination, the hole seems to be an old well that was not properly closed. Gravel and stone will be placed in the hole and the situation will be monitored. If that seems to be sufficient, asphalt will then be placed.
- * The chlorination facility is complete. Chlorination equipment will be shipped this week. The station is anticipated to be in operation the week of September 28, 2009. Commissioner Wooten asked about testing. Mr. Darden believes that NCDENR will not examine the site as they have already reviewed and approved the plans. Mr. Darden added that the workmanship is very good and that there had been coordination with the Solid Waste Director, Cheri Cranfill, resulting in a smooth process. Vice Chairman Austin asked if the separate gate had been added for access to the station. Mr. Darden was not aware of the plan for a separate gate but stated that he would verify the status.
- * The Eastern Water Supply Study is almost complete. Mr. Darden has been able to prioritize projects with assistance from Christopher Ong in regard to long-term planning. Mr. Darden suggested a review with Commissioner Wooten and Vice Chairman Austin during the week of October 5, 2009 with a presentation to the Board at the meeting of October 19, 2009.

There are wastewater issues with federal housing located at Brooks Crossroads. This is one issue considered in the Eastern Water Study. There is a great potential to receive grant funding or low-interest loans to place a pump station in the area that will tie to the existing force main. In turn, this will increase the potential for further development at this intersection.

The Eastern Water Supply Study will be more descriptive than the narrative studies provided in the past. Each project will have an individual description with the scope and purpose, DOT and NCDENR requirements, potential funding sources, and other specific details.

- * Contractors are preparing to pour concrete at the 5D site. The roller compacted concrete will begin shortly if there is no rain delays.

Jean Manual of the Army Corps of Engineers will make a final inspection of the mitigation sites on October 7, 2009. Ms. Manual will continue to monitor the sites over the next 5 years. If the mitigation is progressing as anticipated, Ms. Manual will become an advocate to the mitigation review board on behalf of the County.

Christopher Ong will be meeting with representatives from 2 agencies regarding design and funding of a recreation area at the 5D reservoir on October 9, 2009. Vonda Martin, a Yadkin County resident, represents NCDENR whose focus will be funding. Other individual representatives from the Pilot View RC&D will focus on the overall design and development of the park. Commissioner Garner asked Mr. Darden to clarify the swimming restriction at the reservoir. Mr. Darden explained that the reservoir will be used as a public water supply and NCDENR will not allow swimming. In addition, no gas motors will be allowed on the water.

A link has been established on the County website for the public to offer feedback on the 5D reservoir and potential activities in and around the area.

BOARD ACTION

Chairman Wagoner noted the budget amendment for previously approved plumbing work at the jail.

Vice Chairman Austin made a motion to approve the budget amendment for plumbing repairs at the Yadkin County Jail. Commissioner Garner second. Commissioner Garner stated he had heard comments from citizens that repairing the old jail is a waste of tax dollars. Commissioner Garner stated that repairing the existing jail and having it in operation until a new jail is in place will be much cheaper than housing inmates out of County throughout that time.

Vote: 5/0

MANAGER REPORTS/COMMENTS

County Manager Kiser reported the following:

* There is new legislation that requires the County to provide office space for parole officers. Yadkin County currently provides space in the Community Services Building. Additional parole officers are located in leased space on Carolina Avenue. Yadkin County will assume the lease on Carolina Avenue to meet this legislation at a cost of \$9000 per year. Conversations with Bill Neal and Ron Moore have revealed repairs that must be made at the Carolina Avenue site.

* Board members received a copy of a report from Judge Gregory involving the grand jury's findings at jail inspection.

* County Manager Kiser thanked the Board members for their willingness to work with him over the last year and thanked the community for its support. Mr. Kiser commented that working in Yadkin had been a growing experience for him.

Chairman Wagoner concluded this portion of the meeting by reading the "Notice of Resolution of Intent" as follows...

"Notice of Intent of Yadkin County Board of Commissioners to Lease, Sell or Convey Hoots Memorial Hospital _____

Notice is hereby given that at the regular meeting of the Yadkin County Board of Commissioners on October 5, 2009, to be held in the Commissioners Meeting Room, Yadkin County Human Services Building, 217 East Willow Street, Yadkinville, NC 27055, the Yadkin County Board of Commissioners will consider adopting a Resolution Declaring its Intent to Sell, Lease or Convey Hoots Memorial Hospital. At this time the only known potential buyer or lessee is HMC/CAH Consolidated, Inc., Kansas City, Missouri. At the meeting, the Board of County Commissioners will solicit additional prospective lessees and purchasers will be invited to submit proposals for the lease, sale or conveyance of Hoots Memorial Hospital. The Board of County Commissioners intends to negotiate the terms of the lease or sale of the hospital with the organization that submits the proposal accepted by the County.

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CALENDAR NOTES

Chairman Wagoner reviewed the calendar notes. Chairman Wagoner noted that today's meeting would be recessed until 6:30pm on Monday, September 28, 2009 at Starmount Middle School for a joint meeting with the Board of Education. In addition, Chairman Wagoner announced that all Board members are invited to the annual chicken stew of the Historic Richmond Hill Law School Commission on December 6, 2009 at 4:00pm.

COMMISSIONER COMMENTS

Commissioner Wooten had these additional comments:

(1) Commissioner Wooten thanked Mr. Kiser for his service. Commissioner Wooten stated that Mr. Kiser had contributed to the community and had been easy to work with.

(2) Commissioner Wooten requested that a County staff member be assigned the task of minute-keeping for the jail committee. Meetings will be held only at 8:30am or 6:30pm. It was the consensus of the Board to designate Colleen Rumplach, the Administrative Clerk, as the clerk for the jail committee.

Commissioner Moxley had these additional comments:

(1) Commissioner Moxley thanked Mr. Kiser for his service and for a job well-done. Commissioner Moxley acknowledged former Commissioner, Brent Hunter, who assisted with a short presentation to the Board during today's meeting.

(2) Commissioner Moxley reported that the Forbush Volunteer Fire Department has expressed concerns for the lack of painted turn lines on the newly widened road at Forbush Middle School. There is a danger of accidents without a clear indication of lanes. Commissioner Moxley asked that DOT be contacted on this matter.

Commissioner Garner had these additional comments:

- (1) Commissioner Garner expressed his appreciation to Mr. Kiser.
- (2) Commissioner Garner reported that an old building across from his home is now overgrown and a home to rats, snakes, and mice. Commissioner Garner asked Attorney Graham if the County could enforce the clean-up of the property at the owner's expense. Attorney Graham responded that having the health department declare it a health hazard may be the only option.
- (3) Commissioner Garner asked Attorney Graham to confirm Judge Craig's statements regarding modular units for the jail. Attorney Graham responded that Judge Craig has not ordered the Board to build a new jail. He does, however, expect the Board to carry out the approved motion to 'construct' a new jail. In addition, Commissioner Garner asked Attorney Graham if the RBC loan for the jail would apply to modular units. Attorney Graham responded that the loan as it exists would not apply to modular units.

Vice Chairman Austin had these additional comments:

Vice Chairman Austin has been approached by several citizens with concerns for zoning and land use. These citizens would like to see orderly development in Yadkin County. There had been conversations in the past with former Planning Director, Kim Bates, regarding the update of the Land Use Plan. As Christopher Ong becomes more comfortable as the new Director, Yadkin County should proceed with updating the Land Use Plan.

Chairman Wagoner wished the best for Mr. Kiser.

Attorney Graham had these additional comments:

Attorney Graham stated that he had enjoyed working with Mr. Kiser despite the fact that he is a die-hard Carolina fan. Mr. Graham commented that Mr. Kiser had been very easy to work with and wishes him the best in Caldwell County.

BOARD ACTION (continued)

Mr. Stephen Lyons, representing the Yadkin Arts Council, appeared before the Board. Mr. Lyons reported that construction has begun on the new cultural arts center. The Yadkin Arts Council and its supporters hope to see the project continue to gain momentum. The new cultural arts center will generate revenues and contribute to the growing future of Yadkin County. The Arts Council requests that Yadkin County waive the permitting and inspection fees for this construction. Commissioner Garner asked if the Town of Yadkinville had waived its permitting fees. Mr. Lyons did not know that answer for certain but stated he would inquire on the following day. Chairman Wagoner asked Attorney Graham to confirm that similar requests for the waiving of permitting fees have been advised against. Attorney Graham stated that as much as he would love to help the Arts Council, he does not believe that the Board has the authority to waive the permitting fees. Chairman Wagoner added that Yadkin County does support the Arts Council, but upon the advice of the County Attorney, would not waive the permitting fees. Vice Chairman Austin noted that similar issues with 5D and the jail have been reviewed. The Board recognizes the importance of the cultural arts project and may be willing to entertain other opportunities to assist. It was noted that the waiving of fees has not been allowed in any recent history.

Chairman Wagoner called for a recess at 8:10pm. The meeting resumed at 8:30pm.

Chairman Wagoner made a motion to enter a Closed Session for consultation with attorney per NCGS 143-318.11 (a) (3). Commissioner Garner second.

Vote: 5/0

Vice Chairman Austin made a motion to end the Closed Session. Commissioner Moxley second.

Vote: 5/0

Commissioner Wooten made a motion to recess until 6:30pm on Monday, September 28, 2009 at Starmount Middle School. Commissioner Garner second.

Vote: 5/0

Meeting recessed at 9:10pm.

Prepared by Clerk to the Board

Date approved by the Yadkin County
Board of Commissioners